M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3430 Press ~~Mis.~~

346.349

Dated 20 — 12 — ~~19~~ 1866.

Not to be folded or roughly handled

3430
31.7.29

Read the following papers:—

No. 346. MINUTE BY HIS EXCELLENCY THE PRESIDENT.

I. The mountain of Snowdon, near Ootacamund, contains certain springs, which would naturally take their course north-westwards towards Mysore, but which have in part been intercepted at a high level by artificial channels, and have been led to the water-shed of a valley falling towards Ootacamund, in the neighbourhood of Dr. Pope's house. At this spot they are joined by a little stream, taken from the eastern declivity of Snowdon, called Riley's run, and the united waters are caught in a small tank of recent construction. The tank is also fed by a third tributary, which issues from a swamp, and a piece of copsewood, called Garrard's land.

II. The tank referred to does not seem to me to be of much use, but the volume of the stream derived from the three sources referred to above is sufficiently large to be of material utility not only to the houses and gardens scattered on the slope of the adjoining hill on the Ootacamund side, but even to the Court House, the Jails, and other public establishments.

At present the water supply does not seem either to be well directed or carefully economized.

From the tank a portion, when I visited the spot, was wasted by an overflow in the wrong direction, and a part was lost by leakage; what remained was conducted in a channel recently constructed or repaired parallel to but below the high road which leads to the church.

III. On the way the main stream sends off two or three minor channels downwards to private houses, such as that which belongs to Mr. McIvor, that which is occupied by the Female Asylum, and others, the volume of water gradually diminishes, and after sending off its last drain to the house of a widow lady Mrs. Coombes, the flow becomes hardly perceptible; a little water reaches the wall of the churchyard in moist weather, and expires in a puddle beside a stone in front of the Cutcherry.

IV. The Government ought not, in my opinion, to suffer either a misdirection or a waste of water which might be so profitably applied. It ought to be made more generally useful to private property, and a surplus should be reserved for public purposes.

With these views I beg to suggest the following measures:—

(1) That the springs on the western slope of Snowdon should be more carefully and extensively intercepted.

(2) That Riley's run should be kept clean and water-tight, and that as many subordinate rills should be directed into it as possible.

(3) That the stream which rises in Garrard's land should be stopped at a higher level, that it should be cut off from the tank, and that it should be conducted by an upper channel so as to command two houses which belong to the Reverend Mr. Griffiths.

(4) That the tank should be abolished, or, if that be deemed unadvisable, that it should be made more secure, and that the whole of its overflow be carried into the proper channel, called Major Farewell's channel.

(5) That Major Farewell's channel be altered to a higher level, if practicable, in such a manner that after receiving the surplus water from Garrard's run, (which has done its duty at the Reverend Mr. Griffiths' upper property,) it may command certain lower fields belonging to the Reverend Mr. Griffiths, and afford water to any houses which may be built there.

(6) That the existing channels which go off to Mr. McIvor's house, to the Asylum, and to other dwellings, may be still supplied (until it is found possible to provide water for those houses from lower sources), proportioning the water supply carefully to the necessities of each recipient.

(7) That all the springs which rise along the side of the hill intersected by Major Farewell's channel be carefully saved and directed into that channel.

(8) That a tank be eventually constructed near the wall of the churchyard, in which the surplus water still remaining after these various offices are performed, may be stored for the use of the Cutcherry, the Jails, the Bazaars, and other public localities.

V. It will be seen from what I have stated, that one of my objects in advising these alterations is to provide both the upper and lower properties belonging to the Reverend Mr. Griffiths with a water supply. This purpose, though a subordinate one, is, in my judgment, perfectly justifiable and equitable, for both the properties belonging to Mr. Griffiths lie under the head waters of the streams referred to, and Mr. Griffiths ought to have all the advantages granted by Government to others. It must also be stated in favor of Mr. Griffiths, that at a former period he himself had cut channels by which the water in question was made available for his properties, (though that water always was and still is the property of Government,) and that by his activity and investigations he was instrumental in discovering and developing the sources of water available for Ootacamund. The capital object will always be to secure an eventual supply for the purposes of Government and the Municipality.

VI. The proposals which I have here embodied are, I believe, essentially consistent with the terms of a Government Order recently passed on this subject. I therefore request that my views may be communicated to the Superintending Engineer, who will instruct Major Farewell to state, after due inquiry, how far they can be carried out, and at what expense.

VII. Finally, in connection with this subject, I desire to submit to Council a claim which the Reverend Mr. Griffiths advances to the possession or acquisition of the ground called Garrard's land, which contains the copsewood and swamp above-mentioned. It appears from the statement of the Reverend Mr. Griffiths, that the land in question was granted to him, or promised to him, at an earlier period in an informal manner, and that he exercised certain rights of occupation in it, such as cutting water channels and the like. It is clear to me that any preferential claim to the land in question which Mr. Griffiths may ever have possessed has long since lapsed, and become null and void. Nevertheless, should Mr. Griffiths again address Government on the subject, and apply for a grant of Garrard's land without the right of felling wood or diverting water to the prejudice of the views and the rights of Government, I would be happy to learn that the Government would take a favorable view of his request. There was a time in

which Mr. Griffiths expended both money and intelligence in opening up the vicinity. He did so, no doubt, with a view to his own profit, but his exertions were incidentally beneficial to others. He may not unnaturally solicit and obtain a favor at the hands of Government.

(Signed) NAPIER.

OOTACAMUND,
16*th October* 1866.

No. 347. MINUTE BY SIR T. PYCROFT.

1. When this question came before Government in the beginning of the present year I went carefully through all the papers, and at some length gave my opinion, which in substance coincides with the Order passed by Government on the 26th March last, Revenue Department, No. 745.

2. During my late short visit to Ootacamund, I discussed the subject fully with the Collector, Mr. P. Grant, and a few mornings afterwards rode and walked with him on the whole locality.

3. While therefore I entirely concur with His Excellency the President that the water flowing from Snowdon, and from the opposite side of the valley below Mr. Pope's house, should be utilized as much as possible, and that as much water should be given to the Reverend Mr. Griffiths' properties as can be afforded them consistently with due regard to other rights and claims, which indeed is no more than has been already laid down in the Order of Government already alluded to, paragraph 19, from all that I have read, heard, and seen, I am convinced that Government must proceed with much caution, or they may subject themselves to no small embarrassment, no slight expense, and it may be more than one Civil action.

4. I would therefore suggest, what I conceive to be in the spirit of His Lordship's remarks, that a copy of his Minute be forwarded to the Collector of Coimbatore, on whom properly devolves the duty of regulating the water-courses on the Neilgherry Hills, and that he be directed, in communication with the Executive Engineer, Major Farewell, to report fully on the several arrangements proposed in Lord Napier's Minute, how they can be carried out, and at what cost. With this report before us, and the appropriate plans, surveys, and estimates, we shall be able clearly to see our way.

5. As for Garrard's land, I cannot perceive any reason for departing from the decision already arrived at—G. O. 26th March 1866, paragraph 13, viz., that "the "whole swamp and the wood that protects part of it being absolutely excepted from "any grant, clearly demarcated, and with a sufficient margin and means of access "reserved to Government," the remainder may, on Mr. Griffiths' application, be put up to public auction, and then he may buy it if he can. This is all that he could have obtained if he had pressed his application on the survey of the hills being completed, and the rules for the disposal of lands on the Neilgherries being introduced (see Manual appended to the first Volume of the C. O., Board of Revenue). It is also, *as Mr. Griffiths himself admits*, (see G. O. 26th March 1866, paragraphs 5 and 10,) *all that Mr. Wroughton ever promised him.* I certainly cannot see why Mr. Griffiths should benefit by his own delays and irregularities, and be thereby in a better position now than he would have been in 1849.

6. That the swamp and wood, and control of the water issuing from the former should be rigorously reserved to Government, and preserved from Mr. Griffiths, the Collector and the Board of Revenue both urge (G. O. 26th March 1866, paragraph 12), and no one conversant with water disputes on the Neilgherries and Mr. Griffiths' peculiar mode of action therein would question. But in truth Mr. Griffiths desires possession of Garrard's land simply on account of these, and if they be excluded, the remainder of the land will be of no value to him.

31*st October* 1866.

(Signed) T. PYCROFT.

No. 348. MINUTE BY THE HONORABLE H. D. PHILLIPS.

1. In March of the present year, I was personally inclined to deal with Mr. Griffiths' application for "Garrard's land" more liberally than the Government ultimately deemed advisable, and referring to Proceedings 26th March last, I have looked upon the question as closed; any sale that could be made under the rules in force, being left to the Collector and those who perchance might become competitors with Mr. Griffiths on the land being put up to auction.

2. It is, indeed, only on perusal of His Lordship's Minute, that I learn the subject remains unsettled, and that Mr. Griffiths is still desirous of procuring what the Government had determined to grant only in conformity with the rules for the sale of lands on the Neilgherry Hills, and with certain very necessary reservations for the future preservation of the copsewood and the swamp lying within the limits of the ground which Mr. Griffiths had coveted.

3. It occurs to me that there has been ample time for Mr. Griffiths and the Collector to bring matters to an issue; but as Mr. Grant, the Collector, in the absence of an application for the land, from Mr. Griffiths, could do nothing, the Collector is not to be blamed for the delay that has occurred. It seems to me, however, to be doubtful whether we can at present consistently abandon the course once presented for adoption, and to which I think Mr. Griffiths is bound to submit.

4. In respect of arrangements to be made for directing to the Ootacamund side of Snowdon, the water of the streams whose course tends Mysorewards, and for bringing a more abundant supply of stream water in the direction of the church, His Lordship's suggestions seem excellent, and should, I think, be at once communicated to the Collector and the local Executive Engineer, with orders to do all that may be possible for securing the several advantages to which His Lordship's Minute points.

5. If, in carrying out these suggestions, it is found to be practicable to convey a fair supply of water to Mr. Griffiths' two houses now left without a supply, I certainly consider that measures should be taken for giving to him, through the aid of the Collector, what, without any such aid, numerous other individuals are and have long been enjoying, the source of supply being Government water. But, beyond doubt, as observed by Sir T. Pycroft, in doing this which may be only an act of ordinary justice, we shall have many difficulties to encounter and contend with, and I fear that unless the new, though equitable, distribution of stream water be made by the Collector, whose special duty it is to make it, in a very guarded and careful manner, after mature consideration of real or alleged rights resting on

a long or short user, we shall not have this matter settled by anything short of a deal of litigation in the Civil Courts, in which, of course, the Government, represented by the Collector, will be defendant.

31*st October* 1866.

(Signed) H. D. PHILLIPS.

No. 349. ORDER THEREON, 20th December 1866, No. 3,430.

Land Revenue.

1. Resolved with reference to G. O. 26th March last, No. 745, that a copy of paragraphs 1 to 6 of His Excellency the President's Minute above recorded be forwarded to the Collector of Coimbatore, and that he be instructed, in communication with the Executive Engineer, Major Farewell, to report fully on the several arrangements proposed therein as regards the Snowdon water-supply. The report should be submitted as soon as possible, and should be accompanied by the necessary plans and estimates, and a sketch of the locality, shewing through what private land, if any, the channels will pass, the compensation probably payable, and the existing private claims to water-supply which may be sensibly prejudiced. When this information is laid before them, the Government will be in a position to pass final orders on the question.

2. The Collector will report what has been done in regard to paragraphs 14 and 21 of the G. O. of 26th March last.

(Signed) J. D. SIM,

Secretary to Government.

Minutes by His
Excellency The Governor.

The mountains of Snowdon
near Ostacamund contain
certain springs which
would naturally take
their course towards
towards Mysore but
which have in parts been
intercepted & kept
back by artificial channels
and have been led
to the water shed of
a valley running
towards Ootacamund
in the neighbourhood
of Dr. Pope's house.
At this spot they are
joined by a little stream,
taken from the eastern
declivity of Snowdon,
called Riley's run
and the united waters
are caught in a small
tank I recent construction.
The tank is also fed
by a third tributary

which flows from a swamp
and a piece of open wood
called Guiard's land.

II. The tank referred to
does not seem to me to
answer the purpose but the
volume of the stream
derived from the three
sources referred to above
is sufficiently large to
be of material utility
not only to the houses and
gardens scattered
on the S side of the
adjoining hill on the
opposite side but
even to the Court House
the Jails and other
public establishments.

At present the
water supply does not seem
either to be well directed
or carefully economized

From the tank a
pipe, when I visited

the spot was wasted
by an overflow in the
wrong direction and a
part was lost by leakage.
What remained was
conducted in a channel
recently constructed
in a ground parallel
to the right road
which leads to the
Church.

III. On the way from the
main stream which leads
off two or three minor
channels which
descend to unite
downwards in such
manner as that
which belongs to Mr.
Rae does not reach
it occupied by the
female asylum and
others, the channel
enters extremity
diminishes and after
skirting the E. & S. E. sides
drain to the house
of a widow lady
Mrs Saunders

The flow becomes hardly perceptible, a little further reaches the wall of the Cistern and in moist weather and depths in a puddle beside a stone in front of the Cutcherry.

IV. The Government ought not in my opinion, to suffer either a mis direction or misapplication of a private water course which may be so hopelessly applied. It ought to be made more generally useful to private property, useful and a supply should be secured for public purposes.

With these views I beg to suggest the following measures.

(1) That the springs on the eastern slope should be more carefully and extensively intercepted.

(2) That Relays ware should be kept clean and water tight and that as many subordinate cills should be directed into it as possible.

3. That the stream which runs in garrets land should be stopped at a higher level, that it should be cut off from the tank and that it should be conducted by an upper channel so as to command the two houses, with the ground attached to them, which belongs to the late Mr. Griffiths.

(4) That the tank should be abolished, or if that be deemed undesirable, that it should be made more secure and that the whole of the overflow be carried into the

super channel, called
Rajo Farewells channel.

(5) That Rajo Farewells
channel be altered
to a higher level if practicable
in such a manner that
after receiving the surplus
water from garrards res.
(which has done its duty
at the Revd WS griffiths
upper property) it may
command certain fields
belonging to the Revd
WS griffiths and afford
water to any houses which
may be built there.

(6) That the existing
channels which go off
to Mr Mac Ivers house
& the Asylum and on to
other dwellings may be
still supplied (until
it is found possible to provide water for those houses from
~~to supply them from other~~
lower sources) by pursuing
the water supply
carefully to the receptacles
of each recipient.

7. That all the
springs which are
along the side of the
hill intersected by
Rajo Farewells
channel be carefully
sought and directed
into that channel.

8. That a tank be
eventually constructed
near the wall of the
Churchyard in which
the surplus water
still remaining after
these various offices
are performed, may
be stored for the
use of the Cutcherry
the Jails, the Bazaar
and other public
localities.

V. It will be seen
from what I have stated

part one of my objects
in advising these
alterations is to
provide both the upper
and lower properties belonging
to the Revd. W. Griffiths
with a water supply.
This object, being a subordinate
one, is, in my judgment,
perfectly justifiable
and equitable, for both
the properties belonging
to Mr. Griffiths lie under
the headwaters of the
streams referred to and
Mr. Griffiths ought to
have all the advantages
granted by Government
to others. It is not also
is stated in favor of
Mr. Griffiths that at a
former period he himself
had cut channels by
which the water in
question was made
available for his properties,
though that water always was
and still is the property of
Government / and that
by his activity and
unresting activity he was
instrumental in
discovering and
developing the sources
of water available
for both purposes. The
capital object will
always be to secure
an adequate supply
for the purposes of
Government and the
municipality -

VI. The Journals which
I have here enclosed
are, I believe, generally
consistent with the
terms of a Government
order recently passed
on this subject. I therefore
request that any
views may be communicated
to the Superintending
Engineer who will
visit that Region

Farewell to state
after due inquiry
how far they can be
carried out and on
what reserves.

VII. Finally in connection
with this subject I desire
to submit to Council
a claim which the Revd
Mr Griffiths advances
to the possession or
acquisition of the
ground called Garrards
land which contains
the spreewoods and
swamp above mentioned.
It appears from the
statement of the Revd
Mr. Griffiths that the
land in question was
granted to him, or
promised to him, at
an earlier period
in an informal manner

and that he exercised
certain rights of occupation
in it such as cutting
water channels and
the like. It is clear
to me that any
supposed claim to
the land in question
which Mr Griffiths
may ever have possessed
has long since lapsed
and become null
and void. Nevertheless
should Mr Griffiths
again address
Government on the
subject and apply for
a grant of Garrards
land without the
right of filling wood
or diverting water
to the prejudice of the
new road the rights
of Government I
should be happy to
reserve that the gov-

could take a favorable view of his request. There was a time in which Mr. Griffiths expended his money and intelligence in opening up the country. He did so at last, with a view to his own profit but his exertions were incidentally beneficial to others. He may not unreasonably claim at Mr. a favorable consideration at the hands of the Government.

Napier

Rec'd. 20. 10. 60

Enveloped Marked

"Immediate"

L. Ol

Ordered Oct. 16th 1862.

When this question came before me in the beginning of the present year I most carefully examined all the papers and at some length gave my opinion which is in substance coincident with the order passed by me on the 26 March last. Although

during my absence I have since had the

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Executive minute before me in which Mr. Griffiths application for a Crown Grant is again urged, and a few memoranda of the early days of the Province are added. I am unable to find in any of the papers any evidence which would justify me in recommending to the Governor in Council that Mr. Griffiths should receive a Crown Grant for the land he claims. I am not aware that he has ever been in occupation of the land, or that he has ever made any improvements upon it. The only ground upon which he can claim any consideration is that he was the first person to explore the district, and to make known its capabilities for settlement. This service, however, has been amply rewarded by the grant of 5000 acres of land, which he received in 1848, and by the sum of £1000 which was voted to him by the Legislature in 1853. I do not think that he has any further claim upon the Government.

Petition of the C.Q. Board of Revenue &c.

It is also an insufficient ground for
appeal (as 50 26 Hanl 66 p. 5 & 10)
that the Monster emprisonment
has entirely cured the
Mr. Thomas hospitality has
discharged and completely
hindered by the Police from
there to Cuttack 1849-

That the swamp and work-
shop of the water issuing from
the forest obstructed vigorously
the free and profitable use of the
said Port, and prevented from the
Petitioner, the Collector and the Bd.
of Revenue obtaining 50 26 Hanl
66 p. 12 / and no one can say and

from which [illegible] already given notice
- 50 26 Hanl 66 p. 13 - but that the
water swamp and the wood that
protect part of the Petitioner's
property from any fault, chiefly
[illegible] from any fault, chiefly
[illegible] - sufficient
- cient to destroy and ruin the
access required" the remainder may
or the fortification application to put
up to from the outlet and that he may
bring up the cannon - This is also that he
could have obtained of his own
petition this application and the Survey
of the Hollowing was obtained under
the Orders of the Bishop's Board,
on the Petitioner's being [illegible] to order
the Manual afterwards to Petitioner

Rev. M. Griffiths

In March of the present year, I was personally inclined to deal with Mr Griffiths' application for "Canada" land; more liberally than the Government ultimately deemed advisable. and referring to Pros: 26. March last, I have looked upon the question as closed, & any sale that could be made under the rules in force, being left to the Collector of those pertinence, might become competition with Mr Griffiths on the land being put up to auction.

It is indeed, all for personal of the Lordships Minute, that I deem the subject remains unsettled & that Mr Griffiths is still desirous of knowing what the Government had determined to grant - only in conformity with the rules for the sale of lands on the Gilfoy Hills, and with certain very necessary reservations for the future preservation of the Cypress wood and the swamp, being within the limits of the ground of Mr G— had enclosed -

It occurs to me that there has been ample time for Mr G and the Collector to bring matters to an issue, but as Mr Griffiths the Collector in the absence of an application from Mr G, could do nothing

over the land,

the Collector is not to be blamed for the delay that has occurred. It seems to me, however, to be doubtful whether we can at present consistently abandon the course once sanctioned for adoption & took Illness Mr Griffiths is bound to submit.

His report of arrangements to be made for diverting to the Cotton canal side of Dharwar, the waters of the stream that carries Mr Greenwood's upper bund, & for bringing a more abundant supply of stream water in the direction of the Church, Mr Goodwin's suggestions seem excellent, & should Mr Griffiths be above communicated to the Collector & the Local Executive Engineer with orders to do all that may be possible for securing the canal advantages to which the Goodwin's minute points.

If in carrying out these suggestions, it is found to be practicable to convey a fair supply of water to Mr Griffiths two houses, even without a supply sufficient to sustain Mr Greenwood's claim, should be taken for giving to him, through the aid of the Collector, that, without such aid, numerous other eligible sites are to have long been kept open, the source of supply being pool water. But beyond doubt, as observed by Sir T. Pycroft in drawing this, it may be only an act of ordinary justice, in which have many difficulties

to encounter to content with, and I fear that unless the new, though equitable, distribution of stream water be made by the Collector, some special duty is to be undertaken, & a very guarded & careful manner, after mature consideration of what allotted rights existing on a long a short user, we shall not have this matter settled by any thing short of a deal of litigation in the Civil Courts, in which, of course, the Government, represented by the Collector, will be defendant

W D Sheppard

31 October 1866.

to which His Lordship's minute points.

If, in carrying out these suggestions it is found to be practicable to convey a fair supply of water to Mr Griffith's two houses now left without a supply, I certainly consider that measures should be taken for giving to him, through the aid of the Collector, what, without any such aid, numerous other individuals are and have long been enjoying, the source of supply being Government water. But, beyond doubt, as observed by Sir T. Pycroft, in doing this which may be only an act of ordinary justice, we shall have many difficulties to encounter and contend with, and I fear that unless the new, though equitable, distribution of stream water be made by the Collector, whose special duty it is to make it, - in a very guarded and careful manner, after mature consideration of real or alleged rights resting on a long or short user, we shall not have this matter settled by any thing short of

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or deal of litigation in the Civil Court,
in which, of course, the Government, as
represented by the Collector, would be
Defendants.

/Signed/ H. D. Phillips

31st October 1866

The wooden garrards last mentioned
granted by Government for entrance
under any circumstances, both as regards
the rule prohibiting the felling of Trees
within 3 miles of Ootacamund and on
account of the celebrity of Breeding
it will be scarcely advisable for the Protection of
the Water Courses, as we are at present
advised. The water is receiving by pulling
Junipers in Ootacamund and in Todanath
abridged by the use of many undue
exclusively. The land remaining after the
deduction of the forest and the Swamp cannot
be of any great extent and of much value
and I am inclined to grant it to
Mr. Griffiths, if he still desired it, respectfully
as a matter of favor and in consideration
of the early services which he had rendered to
the District. I cannot however but think
that the Enlargement which was required
with a second regulator and with a reservation
of Govt. Rights Colleagues Law should upon the regulated

and the rules. I should suggest
visiting on a Saturday
afternoon of the 4th
I shall be in readiness

Rev: Dept.

19

No. 3430.

Pro: Madras Government

Under date the 20th Decr 66

Read the following papers

Minute by H.E. the President (Above entered No 1)

Do by Sir T. Pycroft ——do—— do

Do by Hon. H.D. Phillips ——do—— do

Resolved with reference to G.O. 26th March last No 745 that a copy of H.E. the President's Minute above recorded be forwarded to the Coll.r of Coimbatore and that he be instructed, in communication with the Executive Engineer Major Farewell, to report fully on the several arrangements proposed

Rev: Pros. 20th December 66
No. 3430

Recent Minutes

proposed therein as regards the Snowdon water-supply. The report should be submitted as soon as possible and should be accompanied by the necessary plans and estimates and a sketch of the locality, showing thereon what private land, if any, the channels will pass - the compensation probably payable and the existing private claims to water-supply which may be sensibly prejudiced. When this information is laid before them, the Govt will be in a position to pass final orders on the question. — The

The Coll[r] will report what has been done in regard to paras 14 and 21 of the G.O. of 26[th] March last.

L.P.S

1 Copy to Coll[r] of Coimbatore Dup[te] 2[nd]
14 — Bd of Revenue
Two — P.W.D. Secy

Pro. of Govt. for December 1866 Despatch

Pro. of Govt. for December

A. 3430

Pro. of Fr. Madras Govt.
of 20th December 1866.

Pro. of the Board of Revenue
of 12th March 67 No. 69

President's minute
proposing certain ar-
rangements as regards
Sirowdown water supply
forwarded to Collr. of
Coimbatore for report.

A. 346 to 349